

CHARLES A. DYER, Esq., State Bar #47718
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Attorneys for Defendants
Laura E. Innes and Ronald F. Garrity

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HARRIS L. WINNS,

Plaintiff,

vs.

BLAKELY SOLOKOFF TAYLOR & ZAFFMAN,
LLP, ANTHONY INTIL, CANDY MIELKE,
JIM SALTER, MICHAEL MALLIE, JOHN P.
WARD, ED TAYLOR, DAN DEVOS, DIANE
ROBSON, LESTER VINCENT, STEVE
ZELMAN, DAVE MONTOYA, KAREN WILSON,
TAREK FAHMI, LAURA E. INNES, RONALD
F. GARRITY, CHARLES WALL,

Defendants.

) Case No. C08 02622 JW

)
) **DECLARATION OF CHARLES A.**
) **DYER IN SUPPORT OF DEFEN-**
) **DANTS INNES AND GARRITY'S**
) **SPECIAL MOTION TO STRIKE**
) **PURSUANT TO CALIFORNIA**
) **CIVIL PROCEDURE CODE**
) **§425.16**

) Date: November 3, 2008
) Time: 9:00 a.m.
) Dept: Courtroom 8, 4th Floor
) Judge: Hon. James Ware

I, CHARLES A. DYER, declare as follows:

1. I am an attorney at law duly licensed to practice before all the Courts of the State of California, including the United States District Court for the Northern District of California. I am a partner with the law firm of Dyer & White LLP, counsel of record for Defendants Laura E. Innes and Ronald F. Garrity. If called as a witness, I could and would competently testify to the following facts, all of which are within my own personal knowledge.

2. This special motion to strike will be filed on September 4, 2008, which is well

1 within the requirement of Code of Civil Procedure §425.16(f) that the special motion may be
2 filed within 60 days of the service of the complaint, although this requirement may not be
3 necessary as the special motion is being brought in the United States District Court.

4 3. The special motion will be served on the plaintiff by first class mail on September
5 4, 2008. The hearing on this motion to dismiss was set by the clerk of the court for a hearing
6 more than 30 days after the service of motion, as the docket condition and requirements of the
7 court required a later hearing.

8 4. Plaintiff, Harris Winns, appearing in pro per, has requested that all communications
9 be directed to him in writing.

10 5. Therefore, I attempted to meet and confer with Plaintiff, regarding the date of the
11 hearing on this motion by forwarding a letter requesting that he communicate with me concern-
12 ing a date for the hearing on this motion.

13 6. I have not received any response communication.

14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct.

16 Executed on the 4th day of September, 2008, at Menlo Park, California, United States
17 of America.

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19 s/CHARLES A. DYER
20 CHARLES A. DYER
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CERTIFICATE OF SERVICE**STATE OF CALIFORNIA, COUNTY OF SAN MATEO:**

I am a citizen of the United States; my business address is 800 Oak Grove Avenue, Suite 200, Menlo Park, California 94025. I am employed in the County of San Mateo where this mailing occurs. I am over the age of eighteen (18) years and not a party to the within cause. I served the within:

DECLARATION OF CHARLES A. DYER IN SUPPORT OF DEFENDANTS INNES & GARRITY'S SPECIAL MOTION TO STRIKE PLAINTIFF'S COMPLAINT PURSUANT TO CALIFORNIA CIVIL PROCEDURE CODE §425.16

on the following person(s) on the date set forth below:

☒

(VIA MAIL - CCP §§ 1013(a), 2015.5) By placing a true copy thereof enclosed in a sealed envelope(s), addressed as below, and placing each for collection and mailing on that date following ordinary business practices. I am readily familiar with my firm's business practice of collection and processing of correspondence for mailing with the U.S. Postal Service and correspondence placed for collection and mailing would be deposited in the U.S. Postal Service at Menlo Park, California, with postage thereon fully prepaid, that same day in the ordinary course of business.

☐

(VIA PERSONAL DELIVERY -- CCP §§ 1011, 2015.5) By placing a true copy thereof enclosed in a sealed envelope(s), addressed as below, and causing each envelope(s) to be hand delivered on that day by _____, in the ordinary course of my firm's business practice.

☐

(VIA FACSIMILE -- CCP §§ 1013(e), 2015.5, CRC 2008) By arranging for facsimile transmission from facsimile number 650-325-3116 to the facsimile number(s) listed below prior to 5:00 p.m. I am readily familiar with my firm's business practice of collection and processing of correspondence via facsimile transmission(s) and any such correspondence would be transmitted in the ordinary course of business. The facsimile transmission(s) was reported as complete and without error, and a copy of the transmission report is attached.

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(VIA OVERNIGHT MAIL/COURIER - CCP §§1013(c), 2015.5) By delivering a true copy thereof enclosed in a sealed envelope(s), addressed as below, to an authorized courier or driver authorized by Federal Express, an express service carrier to receive documents, in an envelope or package designed by Federal Express with delivery fees paid or provided for, addressed as below. I am familiar with my firm's business practice of collection and processing correspondence for overnight mail or overnight courier service, and my correspondence placed for collection for overnight delivery would, in the ordinary course of business, be delivered to an authorized courier or driver authorized by the overnight mail carrier to receive documents, with delivery fees paid or provided for, that same day, for delivery on the following business day.

Harris L. Winns
2610 Sierra Vista Court
San Jose, CA 95116
Tele: 408-835-8872

In Pro Per

1 Nancy L. McCoy, Esq.
2 Cortney L. McDevitt, Esq.
3 Strazulo Fitzgerald, LLP
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7 Tele: 415-394-9500
8 FAX: 415-394-9501

9 Attorneys for Defendants Blakely Sokoloff Taylor &
10 Zafman, LLP, Anthony Intil, Candy Mielke, Michael
11 Mallie, John P. Ward, Ed Taylor, Dan Devos, Diane
12 Robson and Lester Vincent

13 I declare that I am employed in the office of a member of the bar of this court at whose
14 direction the service was made. Executed on September 4, 2008, at Menlo Park, California.

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s/ DEBBIE RIFFEL
DEBBIE RIFFEL